

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re DARRYL WININGHAM,

No. C 11-01248 CW (PR)

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

\_\_\_\_\_ /  
This case was commenced when Plaintiff filed a letter addressed to the Honorable Maxine M. Chesney, which was construed as an attempt to file an action under 42 U.S.C. § 1983. Plaintiff did not pay the filing fee or file a motion for leave to proceed in forma pauperis (IFP).

On the same day the action was filed, the Clerk of the Court sent a notice to Plaintiff, informing him that he did not file his claims on a civil rights complaint form. The Clerk also sent another notice to Plaintiff, informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's IFP application. The Clerk sent Plaintiff a blank civil rights complaint form as well as a blank IFP application and told him that he must submit these documents within thirty days or his action would be dismissed.

More than thirty days have passed and Plaintiff has not filed the necessary documents or otherwise communicated with the Court. Accordingly, this action is DISMISSED WITHOUT PREJUDICE.

The Clerk of the Court shall close the file.

IT IS SO ORDERED.

Dated: 4/15/2011



CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

DARRYL WININGHAM,

Plaintiff,

v.

// et al,

Defendant.

Case Number: CV11-01248 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 15, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Darryl Willingham AE8217  
5D43  
San Quentin State Prison  
San Quentin, CA 94974

Dated: April 15, 2011

Richard W. Wieking, Clerk  
By: Nikki Riley, Deputy Clerk

United States District Court  
For the Northern District of California